

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL BURCH,

Plaintiff,

-against-

NEW YORK STATE,

Defendant.

24-CV-1803 (CS)

ORDER OF DISMISSAL

CATHY SEIBEL, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that his rights were violated. He sues the State of New York. By Order dated March 22, 2024, (ECF No. 7 (the “Order”)), which the Court incorporates herein, the Court dismissed Plaintiff’s claims as barred by the Eleventh Amendment, for failure to state a claim on which relief may be granted, and as frivolous. The Court granted Plaintiff 30 days’ leave to replead his claims in an amended complaint that complied with the standards set forth in the Order. (*See id.*) On March 25, 2024, Plaintiff filed an affidavit, (ECF No. 8), and a letter, (ECF No. 9). The Court construes ECF No. 8 as Plaintiff’s Amended Complaint and also considers the allegations contained in ECF No. 9.


For the same reasons discussed in the Order, the Court dismisses Plaintiff’s Amended Complaint. To the extent that Plaintiff intended to assert state law claims, the Court declines to exercise supplemental jurisdiction over them. *See* 28 U.S.C. § 1367(c)(3); *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988); *Kolari v. New York-Presbyterian Hosp.*, 455 F.3d 118, 122 (2d Cir. 2006). Finally, Plaintiff’s argument that vehicle registration laws do not apply to him because he was driving in a private capacity is frivolous. *See Sposato v. Carey*, No. 23-CV-364, 2024 WL 637423, at *5 (N.D.N.Y. Feb. 15, 2024) (collecting cases), *appeal docketed*, No. 24-536 (2d Cir. Mar. 18, 2024); *Andreaccio v. Weaver*, 674 F. Supp. 3d 1011, 1021 (D. Nev. 2023); *Michael-Charles v. Pender*, No. 22-CV-2, 2022 WL 474265, at *2-3 (E.D. Mo. Feb. 16,

2022).¹

The Clerk of Court is respectfully directed to enter judgment for Defendant and close the case. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: May 1, 2024
White Plains, New York



CATHY SEIBEL
United States District Judge

¹ The Court will send Plaintiff copies of all unpublished decisions cited in this Order.